

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--|---|-------------------------------------|
| GEORGE MOORE, individually and on |) | |
| behalf of all others similarly situated, |) | |
| |) | Case No. 1:21-cv-01106 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | PLAINTIFF’S MOTION FOR ENTRY |
| LIVEFREE EMERGENCY RESPONSE, |) | OF DEFAULT AGAINST DEFENDANT |
| INC. d/b/a MEDICAL ALERT SYSTEMS, |) | IBAN GLOBAL LLC |
| IBAN GLOBAL LLC, and DOES 1-10, |) | |
| |) | |
| Defendants. |) | |

Plaintiff, GEORGE MOORE, by and through his attorneys, respectfully requests the Court hold Defendant IBAN GLOBAL LLC (“IBAN”) in default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for its failure to answer, plead, or otherwise defend itself in this action. In support of thereof, Plaintiff states as follows:

1. This is an action for damages for violations of Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, the Illinois Automatic Telephone Dialers Act (“ATDA”), 815 ILCS 305/1, *et seq.*, and the Illinois Consumer Fraud and Deceptive Business Practices Act (“CFDBPA”), 815 ILCS 505/1, *et seq.*

2. On October 6, 2021, Plaintiff filed his First Amended Complaint, alleging violations of the TCPA, the ATDA, and the CFDBPA against Defendants.

3. A Summons was issued, and together with a copy of the First Amended Complaint, was served upon IBAN on October 12, 2021. A true and correct copy of the proof of service on IBAN was filed with the Court and is labeled as Docket #22.

4. IBAN's answer to the First Amended Complaint or other responsive pleading was due within 21 days after service of the First Amended Complaint, pursuant to Rule 12 of the Federal Rules of Civil Procedure.

5. IBAN was therefore required to answer or otherwise plead to the First Amended Complaint by November 2, 2021.

6. As of the date of filing of this Motion, IBAN has failed to appear, answer, or otherwise plead to Plaintiff's First Amended Complaint.

7. Because IBAN has failed to appear, answer, plead, or otherwise defend itself in this action, an entry of default against IBAN is warranted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff, GEORGE MOORE, respectfully requests the Court enter an Order as follows:

- a. Holding Defendant IBAN GLOBAL LLC in default;
- b. Allowing Plaintiff 45 days, until February 4, 2022, to file his Motion for Default Judgment against Defendant IBAN GLOBAL LLC; and
- e. Granting such further relief as the Court deems appropriate under the circumstances.

RESPECTFULLY SUBMITTED,

GEORGE MOORE

By: /s/ David B. Levin
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CERTIFICATE OF SERVICE

I hereby certify that, on December 21, 2021, a copy of the foregoing Motion for Entry of Default was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ David B. Levin
Attorney for Plaintiff